

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST
LITIGATION

No. 18-cv-1776 (JRT/HB)

This Document Relates To: All Actions

**DECLARATION OF JOHN A.
KVINGE IN SUPPORT OF
SMITHFIELD'S MOTION
TO DISMISS**

I, John A. Kvinge, declare as follows:

1. I am an attorney with the law firm Larkin Hoffman Daly & Lindgren, Ltd., which represents Defendant Smithfield Foods, Inc. in this matter.
2. Attached as **Exhibit A** is a true and correct copy of the transcript of Q4 2009 Smithfield Foods Earnings Call, dated June 16, 2009. This document is cited at Direct Purchaser Plaintiffs' Third Amended Complaint ("DPP") ¶140; Commercial Indirect Purchaser Plaintiffs' Third Amended Complaint ("CIP") ¶144; Consumer Indirect Purchaser Plaintiffs' Second Amended Complaint ("IIP") ¶107; Puerto Rico's Second Amended Complaint ("PR") ¶128 (No. 19-cv-2723); and Winn-Dixie's Second Amended Complaint ("WD") ¶146 (No. 19-cv-1578).
3. Attached as **Exhibit B** is a true and correct copy of the transcript of Q1 2010 Smithfield Foods Earnings Call, dated Sep. 8, 2009. This document is cited at DPP ¶145; CIP ¶149; IIP ¶111; PR ¶131; and WD ¶153.
4. Attached as **Exhibit C** is a true and correct copy of the transcript of Q2 2010 Smithfield Foods Earnings Call, dated Dec. 10, 2009. This document is cited at DPP ¶146; CIP ¶150; PR ¶132; and WD ¶157.

5. Attached as **Exhibit D** is a true and correct copy of the transcript of Q3 2010 Smithfield Foods Earnings Call, dated Mar. 11, 2010. This document is cited at DPP ¶148; CIP ¶152; IIP ¶116; PR ¶134; and WD ¶159.

6. Attached as **Exhibit E** is a true and correct copy of the transcript of Q3 2011 Smithfield Foods Earnings Call, dated Mar. 10, 2011. This document is cited at DPP ¶154; CIP ¶158; IIP ¶121; PR ¶141; and WD ¶170.

I declare under penalty of perjury of the laws of the United States that everything I have stated in this document is true and correct. Executed on January 15, 2020 in Hennepin County, Minnesota.

/s/ John A. Kvinge
John A. Kvinge